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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,)
11 Plaintiff,)
12 v.) 2:09-CV-086-KJD-(GWF)
13 \$999,830.00 IN UNITED STATES)
CURRENCY,)
14 Defendant.)

15 **FINAL JUDGMENT OF FORFEITURE AS TO \$999,830.00 IN UNITED STATES**
16 **CURRENCY AND MICHAEL SIMARD**

17 The United States filed a verified Complaint for Forfeiture in Rem (ECF No. 1) on January
18 13, 2009. The Complaint (ECF No. 1) alleges the defendant property:

19 a. was furnished or was intended to be furnished in exchange for controlled
20 substances in violation of Title II of the Controlled Substances Act, 21 U.S.C.
21 § 801 *et seq.*, and is subject to forfeiture to the United States pursuant to 21
22 U.S.C. § 881(a)(6);
23 b. is proceeds traceable to exchanges of controlled substances in violation of
24 Title II of the Controlled Substances Act, 21 U.S.C. § 801 *et seq.*, and is
25 subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6);
26 . . .

- c. was used or was intended to be used to facilitate violations of Title II of the Controlled Substances Act, 21 U.S.C. § 801 *et seq.*, and is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6); and
- d. was involved in a transaction or attempted transaction in violation of 18 U.S.C. § 1956, or is property traceable to such property, and is subject to forfeiture to the United States pursuant to 18 U.S.C. § 981(a)(1)(A).

Public notice of the forfeiture action and arrest was given to all persons and entities by publication via the Las Vegas Review-Journal/Sun on January 27, 2009, February 3, 2009, and February 10, 2009. Notice of Filing Proof of Publication, ECF No. 5.

On January 14, 2009, the Court entered an Order for Summons and Warrant of Arrest in Rem for the Property and Notice (ECF No. 3) and issued the Summons and Warrant of Arrest in Rem for the Property (ECF No. 4).

Pursuant to the Order (ECF No. 3), the Complaint (ECF No. 1), the Order (ECF No. 3), the Summons and Warrant (ECF No. 4), and the Notice of Complaint for Forfeiture (ECF No. 9, p. 29-30) were served on the defendant property and all persons claiming an interest in the defendant property. All persons interested in the defendant property were required to file their claims with the Clerk of the Court no later than 35 days after the notice of this action was sent by mail, followed by the filing of an answer to the Complaint within 21 days after the filing of their respective claims. Complaint, ECF No. 1; Order for Summons and Warrant of Arrest in Rem for the Property and Notice, ECF No. 3; Summons and Warrant Issued by the Clerk, ECF No. 4; Notice of Filing Service of Process, ECF No. 9.

On January 29, 2009, the United States Marshals Service served the Complaint, the Order, the Summons and Warrant of Arrest in Rem for the Property, and the Notice by executing them on the defendant property. Notice of Filing Service of Process, ECF No. 9, p. 3 and 11-30.

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1 On February 5, 2009, the United States Marshals Service served the Complaint, the Order,
2 the Summons and Warrant of Arrest in Rem for the Property, and the Notice on Michael Simard, by
3 Federal Express overnight mail. Notice of Filing Service of Process, ECF No. 9, p. 4-5 and 11-30.

4 On February 17, 2009, the United States Marshals Service served the Complaint, the Order,
5 the Summons and Warrant of Arrest in Rem for the Property, and the Notice on Michael Simard, by
6 and through his counsel T. Louis Palazzo, by personal service. Notice of Filing Service of Process,
7 ECF No. 9, p. 7 and 11-30.

8 On February 27, 2009, the United States Marshals Service served the Complaint, the Order,
9 the Summons and Warrant of Arrest in Rem for the Property, and the Notice on Michael Simard, by
10 and through his counsel Ronald Richards, by regular mail and certified return receipt mail. Notice of
11 Filing Service of Process, ECF No. 9, p. 9-10 and 11-30.

12 On March 20, 2009, Michael Simard filed a Claim and an Answer to the Complaint. Claim
13 and Answer, ECF No. 7.

14 On June 29, 2009, the United States filed a Motion to Strike the Claim of Michael Simard.
15 Motion to Strike the Claim of Michael Simard, ECF No. 13.

16 On July 17, 2009, Michael Simard filed a Response to the Motion to Strike the Claim of
17 Michael Simard. Response, ECF No. 14.

18 On July 30, 2009, the United States filed a Reply to the Response of Michael Simard to the
19 Motion to Strike the Claim of Michael Simard. Reply to Response, ECF No. 15.

20 On August 24, 2009, the United States filed a Request for Entry of Default against the
21 defendant property and all persons or entities who claim an interest in the defendant property in the
22 above-entitled action, except for Michael Simard. Request for Entry of Default, ECF No. 16.

23 On March 4, 2010, the Clerk of the Court entered a Default against the defendant property
24 and all persons or entities who claim an interest in the defendant property in the above-entitled
25 action, except for Michael Simard. Default, ECF No. 17.

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1 On March 5, 2010, the United States filed a Motion for Default Judgment of Forfeiture
2 against the defendant property and all persons or entities who claim an interest in the defendant
3 property in the above-entitled action, except for Michael Simard. Motion for Default Judgment of
4 Forfeiture, ECF No. 18.

5 On March 12, 2012, an Order granting the Default Judgment of Forfeiture was entered by the
6 Court against the defendant property and all persons or entities who claim an interest in the
7 defendant property in the above-entitled action, except for Michael Simard. Order, ECF No. 19.

8 On October 23, 2013, a proposed Settlement Agreement, Stipulation for Entry of Judgment
9 of Forfeiture as to \$999,830.00 in United States Currency and Michael Simard, and Order was filed
10 with the Court. Settlement Agreement, Stipulation for Entry of Judgment of Forfeiture as to
11 \$999,830.00 in United States Currency and Michael Simard. ECF No. 39.

12 On November 26, 2013, the Court entered an Order granting the Settlement Agreement,
13 Stipulation for Entry of Judgment of Forfeiture as to \$999,830.00 in United States Currency and
14 Michael Simard. Order, ECF No. 40.

15 No other person or entity has filed a claim, answer, or responsive pleading within the time
16 permitted by 18 U.S.C. § 983(a)(4) and Fed. R. Civ. P. Supp. Rule G(4) and (5).

17 The allegations of the Complaint are sustained by the evidence and are adopted as findings
18 of fact. The Court concludes as a matter of law that the United States is entitled to the relief
19 requested in the Complaint.

20 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
21 Final Judgment of Forfeiture is entered against the \$999,830.00.00 in United States Currency and
22 Michael Simard.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that said property be, and the
24 same is hereby forfeited to the United States of America, and no right, title, or interest in the
25 property shall exist in any other party, other than Michael Simard, whose rights and liabilities are
26 adjudged below.

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that, the property having been
2 forfeited, within a practicable time hereafter for the United States, the United States must release to
3 Michael Simard, through the Law Offices of Ronald Richards and Associates, APC, Attorney Client
4 Trust Account, one payment of \$60,000.00 in United States Currency, less any debt owed the United
5 States, any agency of the United States, or any debt in which the United States is authorized to
6 collect.

7 IT IS HEREBY CERTIFIED, pursuant to 28 U.S.C. § 2465(a)(2), that there was reasonable
8 cause for the seizure or arrest of the defendant property.

9 DATED: December 17, 2013



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11 UNITED STATES DISTRICT JUDGE
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